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Rights of the Child

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COMMITTEE ON THE RIGHTS OF THE CHILD

Fifteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the
Rights of the Child: Azerbaijan

1. The Committee considered the initial report of Azerbaijan (CRC/C/11/Add.8) at its 390th to 392nd meetings (CRC/C/SR.390-392), held on 2 and 3 June 1997 and adopted* the following concluding observations:

A. Introduction

2. The Committee notes with appreciation the submission of the initial report, the written answers to the list of issues (CRC/C/Q/AZER/1) as well as the dialogue held with the State party. While the Committee expresses its satisfaction at the additional information provided by the State party in the course of the dialogue, it nevertheless regrets that the initial report did not follow the guidelines provided by the Committee and therefore information on several areas relating to the daily life of children in Azerbaijan was not included in the document.

B. Positive aspects

3. The Committee notes with satisfaction that the State party is currently carrying out a comprehensive law reform. It also notes the recent establishment of the Commission on Minors' Affairs under the Cabinet of Ministers of Azerbaijan and of a Human Rights Commission in the Parliament.

4. The Committee notes with appreciation the steps taken by the State party to publicize the Convention on the Rights of the Child.

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* At the 398th meeting, held on 6 June 1997.

5. The Committee welcomes the emergence of non-governmental organizations and the gradual steps to enhance cooperation between them and the Government.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee recognizes the serious difficulties faced by the State party in implementing the provisions of the Convention. It notes that the State party's transition to a market-oriented economy has had a serious impact on the population, in particular on all vulnerable groups, including children.

7. The Committee also notes the major problems experienced as a consequence of the armed conflict, which has imposed serious hardships on the entire population, including heavy casualties, long-lasting physical, emotional and psychological effects, and the disruption of some basic services. It takes particular note of the unknown number of children who have suffered the most fundamental violations of their right to life, and of the existence of a large population of refugees and displaced persons, who are being attended to by international aid.

D. Principal subjects of concern

8. While acknowledging the efforts undertaken by the State party to adopt a new Act on the rights of the child, the Committee remains concerned that at present there is no comprehensive legislation that promotes and protects the rights of the child as stipulated by the Convention.

9. The Committee is concerned that the State Party has not yet adopted a comprehensive policy to promote and protect the rights of the child. The absence of a National Plan of Action is also a matter of concern.

10. The Committee is concerned at the absence of a coordinating body for issues relating to children, which results in insufficient coordination among various governmental bodies and mechanisms, as well as between the national and local authorities, in the implementation of policies for the promotion and protection of the rights of the child.

11. Insufficient attention has been paid by the authorities to the collection of systematic and comprehensive data and the identification of appropriate indicators and monitoring mechanisms in all areas covered by the Convention. Disaggregated data and appropriate indicators seem to be lacking to assess the situation of children, especially those who are victims of abuse, ill-treatment or child labour or are involved with the administration of juvenile justice, as well as refugee and internally displaced children, children of single-parent families, children in rural and remote areas, abandoned, institutionalized and disabled children, and children who are living and/or working on the street. Finally, the Committee expresses its concern that no independent monitoring mechanism exists in relation to children's rights.

12. With regard to the implementation of article 4 of the Convention and taking into account the reallocation of resources since the beginning of the armed conflict in 1990, as well as the impact of the transition to a market

economy, the Committee notes with concern the inadequacy of measures to ensure the full implementation of children's economic, social and cultural rights to the maximum extent of available resources. The Committee is particularly concerned at the insufficient measures and programmes for the protection of the rights of the most vulnerable children.

13. While acknowledging the efforts undertaken by the State party to raise awareness about the principles and provisions of the Convention among both adults and children, the Committee remains concerned that government officials and the general public have not yet been sensitized to the rights of the child.

14. The Committee is concerned that in the State party the child is still often perceived as a person not fully entitled to rights. In this regard, it notes that professionals and personnel working with and for children, including judges, lawyers, magistrates, law enforcement personnel, military officials, teachers, school managers, health personnel, social workers, officials of national or local administrations and personnel of child-care institutions, lack sufficient knowledge about the Convention and other relevant international instruments relating to the rights of the child.

15. The Committee wishes to express its general concern that the State party does not appear to have fully taken into account the provisions of the Convention, especially its general principles, as reflected in its articles 2 (non-discrimination), 3 (best interests of the child), 6 (right to life, survival and development) and 12 (respect for the views of the child), in its legislation, its administrative and its judicial decisions, as well as in its policies and programmes relevant to children.

16. The Committee is concerned that legislative provisions relating to the definition of the child are not in conformity with the principles and spirit of the Convention. It is particularly concerned by the disparities in the marriage ages for boys and girls and between the age of end of compulsory schooling and the minimum age for employment.

17. In light of article 17 of the Convention, the Committee is concerned about the lack of legislative and other types of measures to protect children from harmful information.

18. The Committee notes with concern that the general principles of the Convention, especially article 3, are not sufficiently taken into account with regard to the decision-making process, which may result in the institutionalization of children. The Committee is also concerned that alternative measures to institutionalization, as well as article 25 of the Convention recognizing the right to periodic review of placement, are not sufficiently taken into consideration.

19. The Committee is concerned about the inadequate support given to families living below the poverty line as well as to single-parent families.

20. With a view to fully protecting the rights of adopted children and in light of article 21 of the Convention, the Committee is concerned about the lack of comprehensive legislation on adoption and at the fact that intercountry adoption seems not to be a measure of last resort.

21. The Committee is deeply concerned about the consequences of armed conflict on families, in particular the emergence of a population of unaccompanied children, orphans and abandoned children.

22. The Committee is concerned about the lack of information about ill-treatment and abuse of children within the family. The Committee is equally concerned about the lack of information on youth suicides and accidents.

23. While welcoming the fact that the State party has recently released a study on children working and/or living on the street, the recent increase in the number of such children is a matter of concern. The Committee also expresses its serious concern at the increase in the number of child prostitutes, and that the State party does not have a clear strategy to combat the abuse and sexual exploitation of children.

24. The Committee is gravely concerned about the general health situation of children, in particular with regard to the rise in the infant, child and maternal mortality rates, the decline of breastfeeding, the increase in the number of unwanted pregnancies, nutrition and iodine deficiencies, substance abuse, and the negative impact of environmental pollution.

25. The Committee is seriously concerned about the impact of armed conflict on education, and at the lack of measures to implement programmes to reduce the drop-out rate.

26. The Committee is concerned at the substantial number of refugees and internally displaced persons resulting from the armed conflict since 1990, especially children, many of whom have been living in tents for three years. These children do not always have equal access to basic services, especially health, education and social services.

27. In light of article 39 of the Convention, the Committee is seriously concerned about the inadequate measures for the physical, psychological and social rehabilitation of children affected and traumatized by armed conflict.

28. The Committee expressed its concern about the administration of juvenile justice and in particular its compatibility with articles 37, 39 and 40 of the Convention, as well as other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. The Committee remains particularly concerned, inter alia, about the lack of respect for the rights of the child in "corrective labour institutions", the lack of an appropriate monitoring system for all types of detention centres and the inadequacy of alternative measures to imprisonment.

E. Suggestions and recommendations

29. The Committee recommends that the State party harmonize its legislation relating to children with the principles and provisions of the Convention by adopting its draft Act on the Rights of the Child.

30. The Committee suggests that the State party adopt a comprehensive national policy on children as well as a National Plan of Action.

31. The Committee recommends that the State party strengthen coordination among the various governmental bodies and mechanisms involved in children's rights, at both the national and local levels. The Committee also encourages the State party to pursue its efforts to strengthen the institutional framework designed to promote and protect human rights in general and the rights of the child in particular. It encourages the State party to cooperate closely with non-governmental organizations.

32. The Committee also recommends that the State party give priority to the development of a system of data collection and to the identification of appropriate disaggregated indicators with a view to addressing all areas of the Convention and all groups of children. Such mechanisms can play a vital role in monitoring the status of children, assessing the progress achieved and evaluating the difficulties hampering the realization of children's rights. They can be used as a basis for designing programmes to improve the situation of children, particularly the most disadvantaged children, including children with disabilities, refugee and internally displaced children, children ill-treated and abused within the family and in institutions or deprived of liberty, children who are victims of sexual exploitation and children who live and/or work on the street. It is suggested that the State party request international cooperation in this regard. The Committee further recommends that an independent monitoring body be established, such as an ombudsperson or a children's rights commissioner, to address children's rights violations adequately.

33. In the light of articles 2, 3 and 4 of the Convention, the Committee recommends that priority be given in budget allocations to the realization of the economic, social and cultural rights of children, with particular emphasis on health and education, and on the enjoyment of these rights by the most disadvantaged children. In this regard, the Committee suggests that the authorities responsible for overall planning and budgeting continue to be fully involved in all decision-making processes, so as to ensure that their decisions have a direct and positive impact on the budget.

34. The Committee further recommends that all appropriate measures be undertaken to integrate children with disabilities into mainstream education.

35. It is the Committee's view that further efforts must be undertaken to ensure that the general principles of the Convention, in particular articles 3 and 12, not only guide policy discussions and formulation and decision-making, but also are appropriately integrated into any judicial and administrative decisions and in the development and implementation of all projects, programmes and services which have an impact on children.

36. The Committee recommends that the State party launch an information campaign, for both children and adults, on the Convention on the Rights of the Child to enable children to fully exercise their rights. Consideration should be given to the incorporation of the Convention in the curricula of educational institutions and appropriate measures should be taken to facilitate access by children to information on their rights. The Committee also suggests that the State party direct further efforts towards development of comprehensive training programmes for professional groups working with and for children such as judges, lawyers, magistrates, law enforcement personnel, military officials, teachers, school managers, health personnel, social workers, officials of national or local administrations and personnel of child-care institutions.

37. With a view to harmonizing the definition of the child with the Convention, the Committee recommends that the minimum age for marriage be the same for girls and boys and that the age of end of compulsory education be the same as the minimum age for employment.

38. The Committee recommends that the State party take all appropriate legal, administrative and other measures to protect children from harmful information, including in the audio-visual media and in media using new technologies.

39. In light of the principle of the best interests of the child, the Committee recommends that the authorities work to develop alternative measures to institutionalization, such as foster care. It also recommends that the right of the child to periodic review of placement be systematically enforced.

40. The Committee recommends that new and creative policies and programmes be considered to adequately support vulnerable families, particularly those living in poverty or single-parent families. The status of families accommodating refugee or displaced children should be regularized.

41. The Committee strongly recommends that the legislation on adoption be brought into conformity with the provisions of article 21 and other related articles of the Convention. It further suggests that the State party consider ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

42. With the view to facilitating family reunification, the Committee recommends that the authorities set up a central agency to trace unaccompanied children; appropriate measures should also be taken to protect the rights of orphans and abandoned children.

43. The Committee suggests that the State party undertake a comprehensive study of child abuse, including sexual abuse, and ill-treatment in the family, as well as a study on youth suicide. The Committee also recommends that adequate programmes be designed and adopted to prevent sexual abuse and exploitation of children, especially child prostitution.

44. The Committee recommends that the State party adopt a strategy to tackle the problem of children working and/or living on the street. It further suggests that informal education programmes be promoted.

45. In view of the critical situation in the field of health, the Committee recommends that the State party adopt a comprehensive national policy to promote and advance the health of children and mothers. The Committee suggests that particular attention be given to the impact of environmental pollution and that a study be undertaken on this subject. International cooperation in this field should be a priority.

46. The Committee recommends that pupil retention programmes be promoted. In light of article 29 (d), the Committee recommends that education on conflict resolution and education for peace, tolerance and friendship among all people be promoted in all schools.

47. The Committee recommends that special attention be directed to refugee and internally displaced children to ensure that they have equal access to basic facilities.

48. The Committee strongly recommends that the State party take all appropriate measures, including through international cooperation, if necessary, to address the physical, psychological and social reintegration needs of children affected by the armed conflict and related types of violence.

49. The Committee recommends that the State party consider undertaking a comprehensive reform of the juvenile justice system in the spirit of the Convention, in particular articles 37, 39 and 40, and of other United Nations standards in this field, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. Particular attention should be paid to protecting the rights of children deprived of their liberty, especially those living in "corrective labour institutions", to the establishment of an appropriate and independent monitoring mechanism, and to the improvement of the quality and adequacy of alternative measures to imprisonment. Training on the relevant international standards should be organized for all professionals involved with the juvenile justice system. The Committee further suggests that the State party consider seeking technical assistance for this purpose from the High Commissioner/Centre for Human Rights and the Crime Prevention and Criminal Justice Division of the United Nations.

50. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies presented by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.